

P.1/3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

5/5/21

JOSHUA ADAM SCHULTE,

Plaintiff

20 Civ. 2795
(PGG)
(GWG)

-V-

BUREAU OF PRISONS, et al.,

Defendants

PETITION FOR WRIT OF
MANDAMUS

FOR DISTRICT JUDGE GARDEPHE
TO ORDER MAGISTRATE GORENSTEIN
TO GRANT PLAINTIFF'S MOTION
TO COMPEL DEFENDANTS TO DELIVER
COURT CORRESPONDENCE PROMPTLY

Memo Endorsed: This application is denied. The Government is directed to respond to Plaintiff's complaints regarding delivery of Court mail by June 1, 2021. The Clerk of Court is directed to send a copy of this memo endorsement to Plaintiff.

SO ORDERED.

Paul G. Gardephe

Paul G. Gardephe
United States District Judge

Dated: May 25, 2021

Plaintiff Joshua Alan Schulte petitions Judge Gerdphie to uphold the Constitution and Mr. Schulte's right of access to the Courts.

Defendants, the Bureau of Prisons, are obstructing and delaying all mail to Mr. Schulte and therefore obstructing and delaying the entire litigation in the hopes of thwarting and ending the litigation. Every opinion, order, and notice from the district court to Mr. Schulte is delayed by 30-60 days.

Mr. Schulte has submit to this Court exhibits of envelopes marked as received by the MCC, but not given to Mr. Schulte for 30-60 days. Most recently, Judge Gorenstein's 3/31/21 Order of Service, postmarked 4/2/21 was not given to Mr. Schulte until 5/5/21. Each envelope is signed and dated by the Unit Manager Reid and Mr. Schulte. Prior letters and motions to the Court contain envelopes signed with over 40 days of delay. Additionally, some ~~envelope~~ letters were never delivered by the MCC resulting in an over one year delay in the case.

On ~~the~~ November 23, 2020 Mr. Schulte filed a Motion for an ~~order~~ injunction to compel the MCC to deliver all "legal mail" (defined to be Court correspondence) promptly to Mr. Schulte. The Court denied that Motion. Mr. Schulte then mailed the Court several times, including January 26, 2021 detailing the delays.

When prompted for a response, the defendants perpetrated a fraud upon this Court and lied, claiming to deliver all mail promptly. Mr. Schulte replied with clear evidence — copies

of envelopes with postmark dates differing from receipt by over 40 days. This evidence is clear and convincing.

The defendants are deliberately obstructing and delaying only mail from the courts to deny Mr. Schulte's constitutional right of access to the courts.

Magistrate Judge Gorenstein abandoned the Constitution to protect the defendants despite overwhelming clear and convincing evidence of this ongoing and deliberate obstruction.

Mr. Schulte now moves the overseeing district judge, Gardephe, to honor his oath to the Constitution and grant Mr. Schulte's motion to compel the MCC to deliver court correspondence in a timely manner so this litigation can finally proceed. Please review the docket and Mr. Schulte's letters for pleas of help and fairness — including the envelopes clearly indicating the defendants' guilt (as accompanying exhibits).

If this Court fails to do so or does not respond within 30 days, Mr. Schulte will be forced to file a petition for writ of Mandamus with the Second Circuit in his quest to find a judge willing to uphold the Constitution.

P.S. A copy of the latest delayed mail included here.

5/5/21

Respectfully Submitted
Josh Schulte
Josh Schulte

RECEIVED
SDNY PRO SE OFFICE
2021 MAY 24 AM 10:28

CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U. S. COURTHOUSE
300 QUARROPS STREET
WHITE PLAINS, NY 10601

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

LEGAL MAIL

2X COPIES

SPECIAL MAIL - OPEN ONLY
IN PRESENCE OF INMATE

WESTCHESTER NY 105

2 APR 2021 PM 3 L

105

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.15

Joshua Adam Schulte

Reg. No. 79471-054

MCC New York

150 Park Row

New York, NY 10007

10007-170453

RECD
5/5/21
K. J. [Signature]

Proven
5/5/2021
[Signature]

Josh Schutte #79471054
MCC
150 Park Row
NY, NY 10007

RECEIVED
SDNY PRO SE OFFICE
2021 MAY 24 AM 10:28



USM P3
SDNY

ATTN: Judge Gardephe, Case # 20-CV-2795 (PGG) (GWG)
Pro Se Intake Unit
500 Pearl Street
NY, NY 10007

RECEIVED
SDNY PRO SE OFFICE
2021 MAY 24 AM 10:27

